

From: foodog
To: Microsoft ATR
Date: 12/9/01 7:15am
Subject: Microsoft Settlement.

I just found out about comments being solicited or I would have spoken when the terms of the judgement were made public. I've been a computing professional for more than 15 years and am intimately familiar with the issues and history. I have kept current with the case throughout.

The penalties "imposed" on Microsoft are a farce beyond belief. Microsoft has been told to continue with business as usual.

In my wildest dreams I never thought that Microsoft's own lawyers would write the judgement. It's laughable; there are no penalties and no remedies. Zip, nada. There are even new legal protections to help nurture the monopoly! MS is specifically allowed to keep protocols and APIs secret if they have to do with authentication. Do you even know what "authentication" is? How in the world can another company or operating system compete at all if they can't even authenticate on the network? I fully expect that the DMCA will be "vigorously" used to prosecute any entities that attempt to reverse engineer Microsoft's protocols to compete.

No penalty or remedy was imposed, not even a token \$1.00 judgement in damages. The DOJ has destroyed any belief that justice can prevail. I still have a dim hope that the holdout states can achieve some token remedy, such as forcing the documentation of MS Office file formats and Windows APIs. I'm not holding my breath, since the United States Department of Justice has *so* obviously been bought and paid for.

The resolution of the Microsoft Monopoly case is a national shame. There's just no other way to say it.

Steven W. Smith
Systems Programmer II
Glendale Community College. Glendale, AZ.
steve.smith@gcmail.maricopa.edu